

EPA Office of Compliance Enforcement Targeting and Data Division

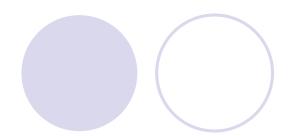
AFS National Workshop

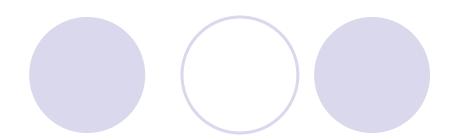
Washington, DC

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HPV & Watch List

Policy

Reporting

Analysis



AFS 2006
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July 27, 2006
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- HPV Status—FLAG which is system generated;
- Day Zero—Action reported to AFS within 60 days of the event; creating the pathway
- HPV Pollutant(s)—Reporting the involved pollutant code(s) in the Day Zero action
- Action Linkage: Linking the Day Zero, Discovery Date, Addressing Action, and Resolving Action

- Compliance Status updates with each step of the violation:
 - ODay Zero: VIOLATION
 - B-In violation with regard to both emissions and procedural compliance
 - 1-In violation-no schedule
 - 6-In violation-not meeting schedule
 - W-In violation with regard to procedural compliance
 - 5-Meeting compliance schedule
 - OAddressed: VIOLATION or MEETING SCHEDULE (5)
 - Resolved: Back to Compliance

- HPV Violation Type Code(s)—Indicating the reason(s) for the HPV. Codes are separated into 2 categories—General Criteria and Matrix Values
- Discovery Date: Linking the action that first identifies the violation in the pathway. Discovery Date Actions are FCEs, PCEs, Stack Tests, TV Annual Compliance Certifications, or Investigations.

Action Linkage: Linking the Day Zero,
 Discovery Date, Addressing Action, and
 Resolving Action

Addressing Actions

ACT	DESCRIPTION							
ОТ	OTHER ADDRESSING ACTION (USED IN CONJUNCTION WITH CIVIL REFERRALS)							
2D	STATE COURT CONSENT DECREE							
2L	PROPOSED SIP REVISION WILL LEAD TO COMPLIANCE							
2M	PROPOSED SIP/FIP REVISION WILL LEAD TO COMPLIANCE							
6B	EPA COURT CONSENT DECREE							
7F	EPA 113(D) APO COMPLAINT FILED							
8A	EPA 113(A) ORDER ISSUED							
8C	STATE ADMIN ORDER ISSUED							
9C	STATE CIVIL ACTION							

Resolving Actions

ACT DESCRIPTION C3 EPA 113(D) ADMIN PENALTY COLLECTED **C7 CLOSEOUT MEMO ISSUED VR VIOLATION RESOLVED** WD EPA 113(D) WITHDRAWN 2K COMPL BY STATE, NO ACTION REQUIRED (ADMINISTRATIVELY RESOLVED-NO FORMAL ENFORCEMENT ACTION) 7G COMPL BY EPA, NO ACTION REQUIRED (ADMINISTRATIVELY RESOLVED-NO FORMAL ENFORCEMENT ACTION) 113(D) CASE WITHDRAWN WD

DATE: 0 AIRS FACILITY SUBSYS'1 OWSE

E PGM: AFP50704

PLANT ACTIONS - VIOLATIONS

MAP: AFM5075

05/777/BETSY BRTSY'S TEST PLANT 123 MAIN STREET

AIR PROGRAM CODE(S): M STATE REGISTRATION NUMBER:

COMP STAT (EPA/ST) / / B CLASS: A STAFF: GOVT FACIL: 0 HPV: S

LEAD AGENCY: S VIOLATION IDENTIFIER: VIOLATING PLLTS: BZ

VIOLATION TYPE CODE: GC8

507

SCREEN:

DAY 60: 060630 DAY 150: 060928 DAY 270: 070127 DAY 300: 070226

DAYS USED TO ADDRESS: 0 UNADDRESSED DAYS: 81

ACTION ACTION DATE DATE PENALTY RESULTS RESULTS ST NUMBER/TYPE DESCRIPTION SCHED ACHVD DESCRIPTION PRIV 060315 001 N6 STATE DAY ZERO Ν 003 6C ST STACK TEST 060201 FF STACK TEST FAIL

PF1=HELP PF3=END PF4=MAIN PF5=TERM

Discovery Action

MORE

Major Data Issues in HPV Reporting:

- A review of Watch List data uncovered the following problems:
 - Compliance Status errors comprised 33% of noted errors in Watch List pathways
 - UNADDRESSED PATHWAYS should reflect VIOLATION
 - ADDRESSED PATHWAYS should reflect either MEETING SCHEDULE or VIOLATION
 - RESOLVED PATHWAYS should reflect COMPLIANCE unless there are additional violations at the source.

- Use of the OT Action Type for addressing pathways
 - It is important to use OT in conjunction with a Civil Referral.
 - OT should NEVER be used alone!
- Day Zero/Addressing Dates: Should they ever be the same date? Many times they are! Should this be allowed?

- Action Mapping Issues
 - Ensure the formal enforcement actions you are using map to appropriate National Action Types:
 - State:
 - 8C-Administrative Orders
 - 1E-Civil Referral to State Attorney
 - 9C-State Civil Action
 - 1D-State Criminal Referral
 - 2D-State Court Consent Decree

Action Mapping Issues

- Ensure the formal enforcement actions you are using map to appropriate National Action Types:
 - Federal:
 - 1B-113(D)(4) Informal Notice of Violation Technical Order Approved/Issued
 - 4B-EPA Civil Referral
 - 5B-EPA Criminal Action
 - 6B-EPA Court Consent Decree
 - 7E-EPA 167 Order
 - 7F-113D APO Complaint Filed
 - 8A-EPA 113(A) Order Issued
 - 9A-113(D) Delayed Compliance Order Approved/Issued
- Note that 7A-Notice of Noncompliance (SECTION 120) is considered an obsolete action.

Penalty Issues

- Watch List discussion indicated a penalty was paid, however, the pathway did not reflect the penalty.
- OPenalties that were involved in multiple pathways all reflected the same amount.

NOTE: When an assessed penalty covers multiple sources, divide the penalty evenly among the sources unless there is existing documentation specifying the exact amount per source.

 Missing Actions: Watch List discussion indicated that something happened, but the action was not in AFS.

Duplicate Actions:

- Some enforcement actions were listed within a pathway, and then also reported without linkage.
- In instances where one action addressed multiple pathways, some were added anew for each pathway.
- There were also instances of duplicate Day Zero actions.

HPV Policy

- Purpose of HPV Policy
 - Team-building
 - Cooperative Resolution
 - Priority identification for resolution
 - Identify environmentally important violations

How Policy is implemented?

- Based on State/Local and EPA Compliance Determinations
 - FCEs, PCEs, stack tests, ACCs not received/reviews, etc.
- Quick comparison of violations to HPV Criteria
 - 30 days; 45 days, receipt or < 90 days
- Mutual S/L and EPA sharing and reporting information
 - "prompt reporting into AFS"
 - Intended "sharing" before enforcement decisions and/or coordination with EPA
 - Periodic coord. Mtg/calls (monthly, 6 weeks, etc.)
- Mutual decisions (e.g., individual cases or categories of violations, etc.)

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HPV Criteria

- HPV Applicability:
 - Major source,
 - Major pollutant,
 - SM emission/condition violation
- General Criteria (handout)
- Matrix Criteria (handout)
- Discretionary

Watch List

- Purpose of Watch List: "Management Tool" to implement HPV Policy
 - manage and records "routine" S/L dialogues with EPA Regions⁽¹⁾
 - provides "qualitative" report to EPA HQs⁽¹⁾
- Note (1): Requirements in HPV Policy negotiated between EPA and STAPA/ALAPCO in Dec, 1998

Watch List Criteria

- (Criteria "1a") Longstanding violators where milestones dates for taking timely and appropriate enforcement have been missed (>270 days)
- (Criteria "1b") Facilities that repeatedly are found to be HPV (3 or more/3 yrs) and no \$\$\$
- (Criteria "1c") Facilities, not pathways, with longstanding HPV (48 months), addressed but never returned to compliance
 - \bigcirc (DCS1 = 1, B, W or 0/U)

Most Prevalent Errors causing WL

- (1a) No addressing action linked
 - None reported to AFS
 - In AFS but not linked
 - Linked action is not flagged as "addressing"
- (1c) Compliance Status not updated:
 - In compliance, including enf. action schedule/conditions
 - Meeting Schedule (CS = 5)
- (1b) No assessed penalty on addressing action
- (1a) Overlapping "unaddressed" pathways <
 270 days

In luction to HPV's in A

- Violation Pathways
- Automatic generation of HPV flag
- Entering HPV Data in AFS
- Multiple Pathways
- Do's and Don'ts

How it Works

- Action Linking is mandatory
- HPV flag is generated from underlying action linked data
- 11 historic flags
- Stored on HPV record in AFS
- Multiple pathways are prioritized
 - Unaddressed
 - Addressed
 - Resolved



- Triggers HPV flag generation
- Discovery Day Zero starts the "clock"
- Discovery Activity
- Addressing Action stops the "clock"
- Resolution Action
- Lead Change actions

Day Zero - Key Action

- Use correct air programs to identify the violation
- Lead Agency
- Lead Identifier
- Violating Pollutants (new MDR)
- Violation Type Codes (new MDR)
- Comments are optional but important
- Change compliance status In Violation
- Automatic generation of HPV flag

Discovery Action

- New MDR
- Activity that discovered the violation
- Link to key action
- Generates HPV Discovery Date (screen 515)
- Types identified on Regional Action Table

Addressing

- Use appropriate action types
- Link to key action
- Link to maximum 5 pathways
- Report assessed penalty
- Automatic generation of HPV flag
- Verify the action addressed
- Check compliance status and change to On Schedule (if needed)

Resolution

- Use appropriate action types
- Link to key action
- Link to maximum 5 pathways
- Automatic generation of HPV flag
- Final concluding action
- CAFO (Consent Agreement Final Order)will have an assessed penalty
- Check compliance status and change In Compliance



- Use appropriate action types
- Link to key action



- Automatically generated
- Generation is determined by:
 - Retrieving all Day Zero actions flagged for the Violation pathway
 - All addressed actions for each Day Zero
 - And all resolved actions for each Day Zero
- Worst case action for all HPV pathways is updated to the HPV record

Don't DO Thi

 ...Report Penalties on inappropriate action types

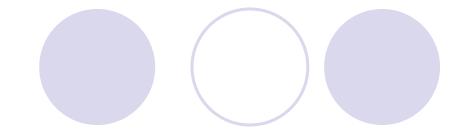
...Eliminate formal enforcement

...Use Inappropriate addressing or resolution action types

Or this either

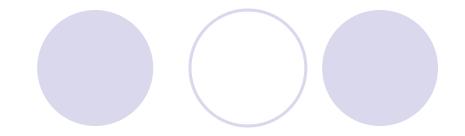
- ...Forget about the Compliance status
- ...Report in an untimely manner
- ...Use 'OT' inappropriately
- ...Eliminate Action Linking





- ...Report information in a timely manner
 - It can only HELP
- ...Document as soon as possible
 - Eliminates historical problems with compliance status





 ...Use "Date reported as added" & Date reported as Addressed" actions if Day Zero or addressing actions are entered outside the quarter they happened

Use Action Linking

HPV Screen 514

		07/10/05 AIRS FAC	LITY SUBSYST	CEM - BF	ROWSE	PGM	1		
AFP51	4 EN:	514 DIANT LICL	PRIORITY VIO	י פרשע זר	TDACKING	MAI			
AFM51		514 PLANT HIGH	PRIORIII VI	JLAIUK .	IRACKING	MAI	•		
1111131									
=====	====	=======================================	========	======	======	======	=====		
=====									
		BLIC SERVICE CO CHEROKEE							
		RAM CODES: A ACID PRECI				TITLE \	/ PERM		
STA		MPL STAT: C IN COMPLIAN	CE MII. EPA	COMPL :	STAT:				
	_								
FLAG									
POS	HPV	DESCRIPTION	EFFECT DATE	ACTION	DATE MOD	USER S	SOURCE		
1	_		20050413		20050413				
2	В	UNADDRESSED-EPA & STATE							
3			20041103		20041103		S		
4 5	T T	ADDRESSED-STATE/LOCAL H ADDRESSED-STATE/LOCAL H			20041103 20041103		S S		
6	S	UNADDRESSED-STATE/LOCAL					S		
7	S	UNADDRESSED-STATE/LOCAL					S		
8	~	0111121112222		0 10		0111	~		
9									
10									
11									
12									
PF1	=HELP	PF3=END PF4=MAIN PF5	=TERM PF10=S	SCRN		SCREEN	1:		

HPV Screen 515

DATE: 07/21/06 AIRS FACILITY SUBSYSTEM - BROWSE PGM: AFP515 HPV FLAG ACTION PATHWAY MATRIX SCREEN: 515 MAP: AFM5151 ______ 00001 PUBLIC SERVICE CO CHEROKEE PLT 6198 FRANKLIN ST AIR PROGRAM CODES: A ACID PRECIPI M MACT (SECTIO V TITLE V PERM STATE COMPL STAT: C IN COMPLIANCE WIT EPA COMPL STAT: CURR HPV FLAG: EFF DATE: 20050413 FLAG SOURCE: S ACTION NO: 067 DAY ZERO ACTION DISCOVERY ADDRESSING ACTION DAYS USED TO RESOLVED ACTION /DATE ACHIEVED DATE TYPE/DATE ACHIEVED ADDRESS TYPE/DATE ACHIEVED 8 V2 20050413 066 20050405 045 20020802 20020802 X1 20041103 823 V2 20041103 046 20020815 20040601 X1 20041031 776 V2 20040930 **Discovery Date** PF1=HELP PF3=END PF4=MAIN PF5=TERM PF10=SCRN SCREEN:



HPV Demonstration

SCREEN: 507 PLANT ACTIONS - VIOLATIONS MAP: AFM5075

36/001/R1686 METCALF ENTERPRISE 10 ERIE BLVD

AIR PROGRAM CODE(S): 0 STATE REGISTRATION NUMBER: 4010100156

COMP STAT (EPA/ST) : / C CLASS: A STAFF: GOVT FACIL: 0 HPV: S

LEAD AGENCY: S VIOLATION IDENTIFIER: VIOLATING PLLTS: FACIL

VIOLATION TYPE CODE: GC5

DAY 60: 060630 DAY 150: 060928 DAY 270: 070127 DAY 300: 070226

DAYS USED TO ADDRESS: 0 UNADDRESSED DAYS: 84

ACTI	ON	ACTION	DATE	DATE	PENALTY	RESULTS	RESULTS	ST
NUMBER/	TYPE	DESCRIPTION	SCHED	ACHVD			DESCRIPTION	PRIV
001	SZ	STATE DAY ZERO		060501				N
002	FS	FCE/ONSTTE-STTE		060415				N

SCREEN: 507 PLANT ACTIONS - VIOLATIONS MAP: AFM5075

36/001/R1686 METCALF ENTERPRISE 10 ERIE BLVD

AIR PROGRAM CODE(S): 0 STATE REGISTRATION NUMBER: 4010100156

COMP STAT (EPA/ST) : / C CLASS: A STAFF: GOVT FACIL: 0 HPV: S

LEAD AGENCY: S VIOLATION IDENTIFIER: VIOLATING PLLTS: FACIL

VIOLATION TYPE CODE: GC5

DAY 60: 060630 DAY 150: 060928 DAY 270: 070127 DAY 300: 070226

DAYS USED TO ADDRESS: 0 UNADDRESSED DAYS: 84

ACTI	ON	ACTION	DATE	DATE	PENALTY	RESULTS	RESULTS	ST
NUMBER/	TYPE	DESCRIPTION	SCHED	ACHVD			DESCRIPTION	PRIV
001	SZ	STATE DAY ZERO		060501				N
002	FS	FCE/ONSITE-STTE		060415				N

SCREEN: 507 PLANT ACTIONS - VIOLATIONS MAP: AFM5075

36/001/R1686 METCALF ENTERPRISE 10 ERIE BLVD

AIR PROGRAM CODE(S): 0 STATE REGISTRATION NUMBER: 4010100156

COMP STAT (EPA/ST) : / C CLASS: A STAFF: GOVT FACIL: 0 HPV: S

LEAD AGENCY: S VIOLATION IDENTIFIER: VIOLATING PLLTS: FACIL

VIOLATION TYPE CODE: GC3

DAY 60: 060130 DAY 150: 060429 DAY 270: 060827 DAY 300: 060926

DAYS USED TO ADDRESS: 62 UNADDRESSED DAYS: 0

ACTI	ON	ACTION	DATE	DATE	PENALTY	RESULTS	RESULTS	ST
NUMBER/	TYPE	DESCRIPTION	SCHED	ACHVD			DESCRIPTION	PRIV
003	SZ	STATE DAY ZERO		051201				N
004	SI	ST INVES START		050901				N
005	OT	OTHER ADDR/ACTS		060201				N

SCREEN: 507 PLANT ACTIONS - VIOLATIONS MAP: AFM5075

36/001/R1686 METCALF ENTERPRISE 10 ERIE BLVD

AIR PROGRAM CODE(S): 0 STATE REGISTRATION NUMBER: 4010100156

COMP STAT (EPA/ST) : / C CLASS: A STAFF: GOVT FACIL: 0 HPV: S

LEAD AGENCY: S VIOLATION IDENTIFIER: VIOLATING PLLTS: FACIL

VIOLATION TYPE CODE: GC3

DAY 60: 060130 DAY 150: 060429 DAY 270: 060827 DAY 300: 060926

DAYS USED TO ADDRESS: 62 UNADDRESSED DAYS: 0

	ACTI	ON	ACTION	DATE	DATE	PENALTY	RESULTS	RESULTS	ST
]	NUMBER/	TYPE	DESCRIPTION	SCHED	ACHVD			DESCRIPTION	PRIV
	003	SZ	STATE DAY ZERO		051201				N
	004	SI	ST INVES START		050901				N
	005	OT	OTHER ADDR/ACTS		060201				N

SCREEN: 507 PLANT ACTIONS - VIOLATIONS MAP: AFM5075

36/001/R1686 METCALF ENTERPRISE 10 ERIE BLVD

AIR PROGRAM CODE(S): 0 STATE REGISTRATION NUMBER: 4010100156

COMP STAT (EPA/ST) : / C CLASS: A STAFF: GOVT FACIL: 0 HPV: S

LEAD AGENCY: S VIOLATION IDENTIFIER: VIOLATING PLLTS: SO2

VIOLATION TYPE CODE: GC8

DAY 60: 050731 DAY 150: 051029 DAY 270: 060226 DAY 300: 060327

DAYS USED TO ADDRESS: 75 UNADDRESSED DAYS: 0

ACTI	ON	ACTION	DATE	DATE	PENALTY	RESULTS	RESULTS	ST
NUMBER/	TYPE	DESCRIPTION	SCHED	ACHVD			DESCRIPTION	PRIV
006	SZ	STATE DAY ZERO		050601				N
007	3A	ST REQ STST O/R		050415		FF	STACK TEST FA	IL N
800	8C	STTE ADMIN ORD		050815	0005000			N
009	VR	VIOLATE RESOLVE		050901				N



- T&A HPV Enforcement Guidance
 - www.epa.gov/compliance/policies/civil/caa/stationary/hpvman ualrevised.pdf
 - The HPV policy & the HPV Workbook
- AFS Action tables
- Questions concerning AFS or how to enter HPV data, may be directed to the AFS Help Line (800) 367-1044 or Email to afshelpline@trcsolutions.com